



Frequently Asked Questions (FAQ)

For Abutters and the General Public

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How often will an abutter get a certified mail notification of a Public Planning Board Meeting?

Abutters are notified **once** in accordance with [RSA 676:4](#) ten (10) days prior to the first public hearing. If a hearing requires a second, third, or subsequent public hearings, an abutter must check the official town postings at (1) Town Hall and (2) The Post Office, and soon on the Town website at <http://www.newmarketnh.gov> to find out when the next public hearing will occur. If a plan undergoes a significant design change during the process, the Planning Board may deem it necessary to re-notify the list of abutters by certified mail.

Will a subdivision plan get approved or denied at the first public hearing?

A typical subdivision may be reviewed over the course of 2 to 3 public meetings. This permits the Planning Board, consultants, and other Town authorities including the Conservation Commission ample time review the plans, conduct a site walk, involve the towns engineering firm to review for zoning and ordinance compliance and hear abutter and general public concerns before taking a final vote. For administrative or simple boundary line changes, the entire process may occur during a single public hearing.

What can I do as an abutter to stop a development from going in?

Every landowner has a constitutional right allowing them to develop the land that they own. The Planning Board must work within the specific Federal, State and Town regulations that address growth controls and act accordingly within that law. An abutter has several opportunities during the Public Hearing process to voice concerns about a given subdivision that may alter the final design or decision.

What resources do I have to become more informed on the town, state and federal regulations?

There is a wealth of information available on the Internet via the WWW, state, and federal agencies. Prior to deployment of the Planning Department's web section, start with the Office of State Planning page at <http://www.nh.gov/osp> and their library at <http://www.state.nh.us/osp/library/start.html> and review the content there. Free Internet access is available at the Newmarket Public Library.

When does the public get to voice their position on a subdivision plan?

Public input occurs during Public Hearings for all land use boards including the Planning Board, Zoning Board of Adjustment, Conservations Commission, and during the site walks as noted above. Each respective land use board may review the proposed plan over the course of several Public Hearings. If you are unable to attend a Public Hearing, consider writing a letter to the Planner prior to the meeting. The board chairman will either read or reference your letter into the record.

As an abutter, what kind of information is the Planning Board interested in hearing about?

As an abutter, the Planning Board is interested in hearing your favorable or opposing views, alternative plan options, and questions on issues with respect to the property under development. Often the best alternative plans come from abutters who understand the area.

What process does the Planning Board use during the hearing?

Review the Newmarket *Ordinances and Regulations* available online at:

<http://www.newmarketnh.gov>

The applicant must first develop a set of plans in accordance with Town, State and Federal laws. Upon completion of a COMPLETE set of plans, the applicant files an application to be placed on the Planning Board agenda. *The steps described herein are intended to summarize the general process flow, and should not be construed as a complete lists of steps required to have an application approved.*

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Step 1 Complete Application	<ul style="list-style-type: none"> • Applicant completes a set of plans in accordance with all laws and regulations • Completes Soil typing by a Certified Soil Scientist, if required. • Completes Wetland impact study by a Certified Wetlands Scientist, if required • Completes Traffic Impact Study by a Certified Engineering Firm, if required • Completes a safety consultation with the Highway Safety Committee, if appropriate • Applicant pays all Fees for application, abutters' notices, impact fees. • Planner reviews application for completeness, and if substantially complete, places it on the Planning Board (PB) agenda for next Public Hearing meeting. • Planning Department uses applicant fees to send certified mail notifications ten (10) days to all abutters and completes formal review for determination of completeness.
Step 2 – Acceptance for Consideration	<ul style="list-style-type: none"> • At the first Public Hearing, the PB Chairman opens the file for review. • Applicant presents the plans to the Planning Board • PB Q&A discussion with the applicant and appropriate engineering firms regarding the plan submission and any waivers. • PB Chairman opens discussions to the Public. This is the FIRST opportunity for an abutter to provide input. • PB Chairman Closes the Public discussion period. • The PB may discuss further, then... • • A motion is made to "Accept the Plan for Consideration" • • Once a plan is accepted the consideration, several significant events occur: <ul style="list-style-type: none"> ○ Acceptance for consideration constitutes that the PB has taken jurisdiction of the plan, and the time clock to final decision of approval or disapproval starts. The PB must make a final decision or receive an extension within 65 days of acceptance for consideration in accordance with State RSA's. ○ The Planner may now engage the Town's Professional Engineering firm to validate the plan, provide comment, walk the site, and make recommendations to the Planning Board. ○ The Planning Board may request that the applicant appear before the Conservation Commission, ZBA or Safety Committee, if appropriate, and to seek a favorable Letter of Recommendation. ○ The Planning Board may request that a Site Walk occur prior to a final vote of approval. This permits the PB and respective land use boards to observe and walk the proposed site.
Step 3 – PB Site Walk	<ul style="list-style-type: none"> • If deemed necessary by the Planning Board, the Chairman will schedule an onsite Site Walk at the end of the Planning Board meeting. • At the Site Walk, the site is reviewed with the applicant, PB members, and frequently members of the Conservation Commission and abutters – if permission is obtained – otherwise minutes are recorded and made available.
Step 4 – PB Approval or Disapproval	<ul style="list-style-type: none"> • At the next scheduled public hearing, The PB continues discussions by reviewing the findings of the site walk with the applicant, and works to resolve all open items. • PB Chairman opens discussions to the public. • PB Chairman Closes the Public discussion period. • The PB may discuss further, then... • A motion is made for each waiver to "Approve or Disapprove the waiver" The motion may include conditions of approval if appropriate. • A motion is made to "Approve or Disapprove Plan" The motion may include conditions of approval if appropriate. • Once a plan is approved, the conditions must be met by the applicant, plans must be updated if changes were made, the plans are re-reviewed by the Planner for completeness, then signed. The approved plan must be recorded with the Registry of Deeds within the RSA specified time, and then construction may begin.

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Step 5 – Notification	<ul style="list-style-type: none">Following an approval or disapproval decision by the Planning Board, a Notification of Decision letter is sent to the applicant.
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Are there any recommendations you could provide me on how to effectively present my position?

Some of the most effective things an abutter can do are described below.

Preparation	<ul style="list-style-type: none">Be prepared...this ensures important issues are not overlooked or forgotten during the meeting when you are under pressure and time is limited.After receiving your certified notification as an abutter, seek out information regarding the project from the Planning DepartmentDevelop a list of questions and points that you would like to make prior to the meetingReview the local ordinances, zoning and subdivision regulations prior to the meeting. By reviewing them, they often give you valuable insights to questions you need to ask and have clarified and may also often answer other questions you had. The zoning regulations and ordinances are all available online, and in searchable format.Talk to your neighbors and insure they are informed and get involvedIf you plan to cite references, documents, books or other tangible things, be prepared with backup documentation or references that would allow another person to investigate and verifyIf your unable to attend a meeting and you have a position to express, write a letter to the Planning Board Chairman, c/o Planner, Town Hall, 186 Main Street, Newmarket NH 03857. Your letter will be read into the record during the meeting.
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Documentation	<ul style="list-style-type: none"> • Consider writing a letter expressing your position on an issue to the Planning Board Chairman, and request that your letter be included in the “Board Member Meeting Preparation Package” sent to each board member 5 days in advance of the meeting. • Consider taking pictures that show problem areas or areas of concern. Some of the most effective photos that we have seen show... <ul style="list-style-type: none"> ○ drainage problems, specifically flooding after heavy rains, or water channels, or poorly drained areas ○ old growth trees or conservation areas ○ topology areas with steep slopes that represent where a structure might be placed causing excessive clearing or may have to be filled • If you do take photos, try to include landmarks such as trees, a big rock, a house, signage, or some other physical thing that ties to the picture to the property. If your camera is capable of putting a date on the picture, use it, if not, include a current newspaper front page with the photo or write the date the photo was taken on the picture and include a description of what the picture shows...ie. “Picture 1 – Drainage problem after heavy rain.” • Consider taping the pictures to an 8 ½ x 11 sheet of paper and writing hand notes on the paper. Then make copies of the documentation for the Planning Department or boards. • Web based research – If you do any web-based research, provide the URL links (in writing) and print out the page(s) of interest. • Book or hard copy references – make copies and distribute at the meeting to board members • Video – If a video would help, make a very short video. Because the town does not have audio/visual facilities available at the town hall board meetings, drop it off at least 5 days prior to the meeting at the Planning Department for review. • Audio – If noise has been a problem, try audio taping a few seconds for demonstration purposes. Bring along a small portable player to playback the tape.
Respect	Respect others opinion and/or conclusions drawn based on their perspective. It often differs from the opinions and conclusions you have drawn. Remember your goal is to insure the board understands your position and has as much information as possible on a topic, enabling them to make an informed decision.
Examples	Citing specific examples help illustrate to the board and other residents on what you would like or not like to happen. For example, “On Main Street, the developer used hay bails and silk netting to control erosion. I would like to see similar erosion control techniques used in this development.”
Advance Copies	<p>The Planning Department provides each board member with a meeting preparation package generally 5 days before the meeting. The package includes the meeting Agenda, meeting minutes, notes, reports, and any materials the Planner deems appropriate for board members to read prior to the meeting.</p> <p>Highly Recommended - If you prepare a letter or other forms of documentation that you would like the board members to read and review at the meeting, make ten (10) copies of your letter so that there are enough. If you drop it off early enough with the Planning Department, they will include it in the pre-meeting distribution package.</p>
Presetting during Public Input Hearings	<ul style="list-style-type: none"> • Summarize your points, and get answers to any outstanding questions that have not yet been answered. • Be brief

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	<ul style="list-style-type: none">• If you were able to submit advance copies of your position, refer to it and summarize the content of what you sent.• Respect others opinions and positions. Your goal it to clearly communicate to the board (not others at the hearing) what your position is and why.
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Regarding the possibility of blasting during construction, what warranties or guarantees does the Town of Newmarket provide?

The Town of Newmarket does not provide any warranties or guarantees between a developer and a residential homeowner. A developer must comply with all Federal, State and Local laws, be fully insured, and must use a state licensed explosives (blasting) firm. The explosives firm will conduct an inventory of effected properties within the blasting zone, and if deemed necessary, work with individual property owners to document all conditions prior to blasting. Typically, house foundations, well quality, well quantity, window conditions, pools, or other similar structures are photographed, documented and/or tested. If you are an abutter to an approved development where blasting will occur, or if you live near enough that you have a concern, you should contact the developer directly and request that your property be included in the list of structures to be documented prior to blasting. Should any damage occur, the burden of proof is on the homeowner to show that the damage occurred as a direct result of the development blasting. With today's blasting technologies, any post blast structural damage to existing buildings is very rare.